

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JASON M. JONES,

Case No.: 3:19-cv-00650-MMD-WGC

Plaintiff,

## Order

V.

CHIEF OF POLICE, et al.,

## Defendants.

Plaintiff is a pretrial detainee in the Washoe County Detention Center. He initiated this by filing an application for leave to proceed in forma pauperis (ECF No. 1) on October 25, and subsequently filed a civil rights complaint pursuant to 42 U.S.C. § 1983 on November 8, (ECF No. 5.) The Local Rules of Practice for the District of Nevada provide: “Any person unable to prepay the fees in a civil case may apply to the court for authority to proceed *in pauperis* (IFP). The application must be made on the form provided by the court and must be a financial affidavit disclosing the applicant’s income, assets, and liabilities.” LSR 1-1. An inmate seeks to proceed without prepaying the filing fee, in addition to filing the affidavit, a prisoner is required to submit a certified copy of the trust fund account statement (or financial equivalent) for the six-month period immediately preceding the filing of the complaint. The statement must be obtained from the appropriate official at the prison or detention where the prisoner is or was confined. 28 U.S.C. § 1915(a)(2).

When a prisoner brings a civil action IFP, the prisoner is still required to pay the full amount of the filing fee. The court is required to assess, and when funds exist, collect an initial partial payment of 20 percent of the greater of: (A) the average monthly deposits in the prisoner's account

1 or (B) the average monthly balance in the prisoner's account for the six-month period immediately  
2 preceding the filing of the complaint. Thereafter, whenever the prisoner's account exceeds \$10,  
3 the prisoner must make monthly payments of 20 percent of the preceding month's income credited  
4 to the prisoner's account until the filing fees are paid. The funds are to be forwarded by the agency  
5 having custody of the prisoner. 28 U.S.C. § 1915(b)(1), (2).

6 The regular filing fee is \$400, consisting of the \$350 filing fee and a \$50 administrative  
7 fee. If an inmate does not qualify for IFP status, he must pay the full \$400 filing fee. If the inmate  
8 qualifies for IFP status, the \$50 administrative fee is waived, and the inmate will only pay the \$350  
9 filing fee over time.

10 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP  
11 for an inmate. Plaintiff has **30 days** from the date of this Order to either file his completed financial  
12 certificate or pay the full \$400 filing fee.

13 Once Plaintiff has filed his completed financial certificate or paid the filing fee, the court  
14 will screen the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) or 28 U.S.C. § 1915A, or both.  
15 Both require dismissal of a complaint, or any portion thereof, that is frivolous or malicious, fails  
16 to state a claim upon which relief may be granted, or seeks monetary relief against a defendant  
17 who is immune from such relief. If the complaint is dismissed on screening, there will be no refund  
18 of the filing fee, and an inmate proceeding IFP is still required to pay the \$350 filing fee over time.  
19 When the complaint is screened, the court will also address the other motions filed by Plaintiff.

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1       If Plaintiff fails to timely file a completed financial certificate or pay the filing fee, this  
2 action will be dismissed.

3       **IT IS SO ORDERED.**

4       Dated: December 13, 2019.

5       William G. Cobb

6       William G. Cobb  
7       United States Magistrate Judge

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